

ATTORNEY-CLIENT PRIVILEGE

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Michele M. CUDAHY
mmc@hueschen-sage.us

- 8 NOV 2006

FAX TRANSMISSION

CONFIDENTIALITY NOTICELegal Staff
International Division

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DATE: November 8, 2006

TO: Richard ROSS

FAX NO.: 571 273 0459

FROM: HUESCHEN AND SAGE

FAX NO.: 269-382-2030

RE: US Serial No.: 10/566,106 filed January 26, 2006; MERZ 48 PCT US;
NOTIFICATION OF DEFECTIVE RESPONSE dated November 1, 2006.NO. OF PAGES INCLUDING COVER SHEET: 5

Dear Mr. ROSS:

With regard to the above-identified application and notification, we believe that we have received this notice in error. Please find a copy of the forms PCT/IB/306 filed in the international application PCT/IB2004/003043, which forms are also present in the image file wrapper (IFW) available through private PAIR on the USPTO website. As indicated on the forms PCT/IB/306, inventors Angelika MOLLEMAN and Michael ALTHAUS were deleted in the international application; thus, the Declaration/Power of Attorney filed on July 5, 2006 is correct.

Thank you very much for your assistance in this matter.

Very truly yours,

THE FIRM OF HUESCHEN AND SAGE

By:

Michele M. CUDAHY

Enclosure: Forms PCT/IB/306 - 2 pages
USPTO NOTIFICATION OF DEFECTIVE RESPONSE - 2 pages

SEVENTH FLOOR • KALAMAZOO BUILDING • 107 WEST MICHIGAN AVENUE • KALAMAZOO, MICHIGAN 49007 USA
PHONE: 269.382.0030 • FAX: 269.382.2030 • INFO@HUESCHEN-SAGE.US

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PATENT COOPERATION TREATY

PCT/IB2004/00304

PCT

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

MARSDEN, John, Christopher
Frank B. Dehn & Co.
179 Queen Victoria Street
London EC4V 4EL
United Kingdom

408-86811

11 JUL 2005

Frank B. Dehn & Co.
RECEIVED

IMPORTANT NOTIFICATION

International filing date (day/month/year)
28 July 2004 (28.07.2004)Date of mailing (day/month/year)
21 June 2005 (21.06.2005)Applicant's or agent's file reference
408.86811.jcmInternational application No.
PCT/IB2004/003043

1. The following indications appeared on record concerning:



the applicant



the inventor



the agent



the common representative

Name and Address

State of Nationality

State of Residence

Telephone No.

Facsimile No.

Teleprinter No.

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:



the person



the name



the address



the nationality



the residence

Name and Address

State of Nationality

State of Residence

Telephone No.

Facsimile No.

Teleprinter No.

3. Further observations, if necessary:

Applicant/inventor ALTHAUS, Michael has to be deleted.

4. A copy of this notification has been sent to:



the receiving Office



the International Searching Authority



the International Preliminary Examining Authority



the designated Offices concerned



the elected Offices concerned



other:

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Nadia Guigard (Fax : 4122 338 70 60)

Facsimile No. (41-22) 338.70.60

Telephone No. (41-22) 338 8324

Form PCT/IB/306 (March 1994)

006722693

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PATENT COOPERATION TREATY

PCT/IB2004/003043

PCT

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State of Residence

Telephone No.

Facsimile No.

Teleprinter No.

3. Further observations, if necessary:

Applicant/inventor MOLLEMAN, Angelika has to be deleted.

4. A copy of this notification has been sent to:



the receiving Office



the International Searching Authority



the International Preliminary Examining Authority



the designated Offices concerned



the elected Offices concerned



other:

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Nadia Guigard (Fax : 4122 338 70 60)

Facsimile No. (41-22) 338.70.60

Telephone No. (41-22) 338 8324

Form PCT/IB/306 (March 1994)

006722692

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22315-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/566,106

FIRST NAMED APPLICANT

Walter Magerl

ATTY. DOCKET NO.

MERZ 48 PCT US

INTERNATIONAL APPLICATION NO.

PCT/IB04/03043

I.A. FILING DATE

07/28/2004

PRIORITY DATE

07/28/2003

25666

THE FIRM OF HUESCHEN AND SAGE
SEVENTH FLOOR, KALAMAZOO BUILDING
107 WEST MICHIGAN AVENUE
KALAMAZOO, MI 49007



Missing Parts
December 1 2006

CONFIRMATION NO. 9524

371 FORMALITIES LETTER

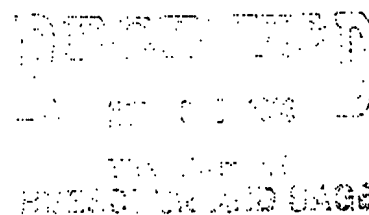
OC000000021055532

Date Mailed: 11/01/2006

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- o Priority Document
- o Copy of the International Application filed on 01/26/2006
- o Copy of the International Search Report filed on 01/26/2006
- o Copy of IPE Report filed on 01/26/2006
- o Preliminary Amendments filed on 01/26/2006
- o Information Disclosure Statements filed on 01/26/2006
- o Oath or Declaration filed on 07/10/2006
- o Request for Immediate Examination filed on 01/26/2006
- o U.S. Basic National Fees filed on 01/26/2006
- o Priority Documents filed on 01/26/2006
- o Specification filed on 01/26/2006
- o Claims filed on 01/26/2006
- o Abstracts filed on 01/26/2006



Applicant's response filed 07/10/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION OF MISSING REQUIREMENTS mailed 05/10/2006 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- o Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - The fourth inventor, Michael Althaus, did not sign the declaration.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR

1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/566,106	PCT/IB04/03043	MERZ 48 PCT US

FORM PCT/DO/EO/916 (371 Formalities Notice)

*** RX REPORT ***

RECEPTION OK

TX/RX NO	6885
RECIPIENT ADDRESS	269 382 2030
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RESULT	OK